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PLEASE REPLY TO
ATLANTIC COUNTY OFFICE

March 1, 2022

via ECF

The Honorable Ann Marie Donio, USMJ
United States District Court
District of New Jersey/ Camden Vicinage

Re: Audra Capps v. City of Millville, Police Officer Joseph Dixon, Police Officer Bryan Orndorf, and Millville Chief of Police Jody Farabella
Civil Action Number: 1:19-cv-12002-RMB-AMD

Tanika Joyce v. City of Millville, Jody Farabella, Joseph Dixon
Civil Action Number: 1:20-cv-01118-RMB-AMD

Barry Cottman v. City of Millville, Jody Farabella, Joseph Dixon,
Robert Runkle
Civil Action Number: 1:19-cv-14122-NLH-AMD

Dear Judge Donio:

Our firm represents Defendants Chief Jody Farabella, Officer Bryan Orndorf (Capps case only), and the City of Millville in the above-captioned matters.

Per the Court's Order of February 25, 2022, we write to inform the Court the City of Millville ran additional email searches with the search parameters discussed during the February 25, 2022, conference. The results of the searches are as follows:

Page 2

March 1, 2022

United States District Court

Re: Capps v. Millville, et. al.
 Joyce v. Millville, et. al.
 Cottman v. Millville, et. al.

	Time Frame	Search Term 1	Search Term 2	Search Term 3	# of Hits
A	1/1/17 – 3/25/19	Barry	Arrest	Jaywalking	15
	1/1/18 - 3/25/19	Chard	Arrest	Internal Affairs	6
B	1/1/15 – 3/25/19	Cindi Zadroga	Dixon	Force	271
	1/1/17 – 3/25/19	Colt	Gibson	Force	454
	1/1/17 – 3/25/19	Colt	Gibson	Internal Affairs	84
	1/1/15 – 3/25/19	Force	Arrest	"Injure" or "Injury"	116 or 683
	1/1/7 – 3/25/19	Michael.Santiago	Farabella	Force	118
	1/1/17 – 3/25/19	Pepitone	Farabella	Force	76
	1/1/16 – 3/25/19	Proffitt	Force		132
	1/1/16 – 3/25/19	Profitt	Force		11
C	1/1/17 – 3/25/19	Runkle	Arrest	Handcuff	8
					1,974

At approximately 3:30 p.m. today, all the emails were downloaded and duplicates were removed, resulting in approximately 1,500 emails total. We have not yet retrieved the emails from Millville, but should be in possession of them within the next day or two.

As previously indicated, it took approximately 25 hours to review the 1,885 emails produced in the last production, plus several more hours to convert partially privileged emails to PDF format and redact privileged/confidential information. At this time, we also agree to produce the emails resulting from the additional following searches:

- A. Barry + Arrest + Jaywalking = 15
- B. Cindy Zadroga + Dixon + Force = 271
- C. Runkle + Arrest + Handcuff = 8

As for the remainder of the searches (highlighted), Millville maintains that they are overly burdensome, disproportional to the needs of the case, and not reasonably calculated to lead to admissible evidence. The search terms involving "Chard," "Gibson," and "Proffitt/Proffit" have no real relevance to these cases. None of those officers are defendants in any of these cases.

Moreover, Millville has produced all Internal Affairs investigations involving complaints of excessive use of force from 2013-2019. Millville has produced the Internal Affairs index which lists all I.A. complaints for all subject matters from 2013-2019. Millville has produced every Use of Force Report from 2012-2019 consisting of 1,232 Use of Force Reports. All use of force incidents,

Page 3
March 1, 2022
United States District Court
Re: Capps v. Millville, et. al.
Joyce v. Millville, et. al.
Cottman v. Millville, et. al.

complaints for excessive use of force, and I.A. investigative files relating to complaints for excessive use of force have been provided, including those involving injuries. The search involving “Force” + “Arrest” + “Injury” is too broad and unlikely to reveal anything not already produced. The searches involving the former Mayor (Michael Santiago) and the Public Safety Director (Pepitone) are also not likely to reveal any evidence needed to establish the elements of a Monell claim; and Plaintiff has not identified any evidence or articulated any reason to believe there is some relevant document that would arise from such search terms; nor is there any allegation that either Santiago or Pepitone were involved in any way that relates to the allegations in the Complaints.

Plaintiff is on a fishing expedition for a “gem of a document,” but has not provided any specifics. If Plaintiff believes there is some document that is missing based on his review of everything already provided, we would be able to narrow the search to locate the suspected missing document. Plaintiff has made no such proffer.

Thank you for your time and attention to this matter.

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